

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

SUBROTO MITRO
AND
MAITREYEE MITRO

Debtors

Chapter 13

Case No. 14-13184-BFK

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed November 24, 2014. The cause for this objection is as follows:

Violation of 11 U.S.C. §1322(c)(2) & 11 U.S.C. §1325(a)(5) – Plan Fails To Provide Payment For Maturing Mortgage Loan - Violation of 11 U.S.C. §1325(b)(1)(B) – Disposable Income & 11 U.S.C. §1325(a)(3) – Good Faith

Debtors are proposing to pay their Pentagon Federal Credit Union HELOC in the amount of \$116,037.09, which matures during the Plan term, outside of the Plan by reserving \$2,400.00 per month according to their Schedule J. As such, the proposed Plan is in violation of 11 U.S.C. §1325(a)(5)(B)(ii).

Further, the proposed Plan payments only increase from \$100.00/mo. to \$413.31/mo. when the Pentagon Federal Credit Union HELOC matures and is paid off, even though Debtors are only proposing to repay their unsecured creditors a 5% dividend.

Violation of 11 U.S.C. §1325(a)(6) – Feasibility

The Plan does not provide for the filed arrearage claims of Navy Federal Credit Union (Claim Nos. 15, 16, and 17) and is underfunded as follows:

Amount of Plan Payment	Paid to Date	5,336.00
	100.00	413.31
Number of Months	39	18
	3,900.00	7,439.58

Notice of Objection To Confirmation

Subroto Mitro and Maitreyee Mitro, Case # 14-13184-BFK

Total Receipts		16,675.58
Disbursements Required:		
Attorney	4000.00	
Taxes/Other Priority	1143.88	
Secured	1942.67	
Unsecured	9565.40	191,307.79x5%
Other	228.30	4560.49x5%
Trustee	1,688.03	10%
Total Disbursement		18,568.28

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on January 15, 2015 at 1:30 p.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

Notice of Objection To Confirmation

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If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: December 17, 2014

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of December, 2014, served via ECF authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Subroto Mitro
Maitreyee Mitro
Chapter 13 Debtors
13563 Melville Lane
Chantilly, VA 20151

Tommy Andrews, Jr., Esq.
Attorney for Debtor
122 N. Alfred St.
Alexandria, VA 22314

/s/ Thomas P. Gorman
Thomas P. Gorman